

## REMARKS

Claims 1 – 116 remain in the application. Claim 1 has been amended. Of the claims under consideration, claims 1 and 52 are independent.

In the subject office action, Claims 1 – 116 [sic] were rejected under 35 USC § 103(a) for obviousness over US Patent No. 6,005,561 (Hawkins, et al.) in view of US Patent No. 6,553,178 (Abecassis).

Applicant respectfully traverses the rejection of the Claims under 35 USC § 103(a) for obviousness over Hawkins, et al. in view of Abecassis.

Specifically, the presently claimed invention is directed to a method and system allowing for the creation of highly targeted video programming content, with the video programming content adaptively customized for each of an individuated set of viewers. A conventional linear video program is subdivided into video programming segments, such as scenes and advertising content, which are assembled, in sequential fashion, in order to define what appears to be a linear video program.

The video program is not necessarily a single program divided into scenes, but is also a sequential set of single programs, much like those commonly making up an evening of television viewing. The stream of sequential programs further may be provided by a multiplicity of content

providers, such as a number of different broadcast TV stations, and therefore may be seen as a number of side-by-side, and alternative program content streams. In summary, single programs may be provided as a set of alternative content segments (simultaneous alternatives), interspersed with unrelated alternative content segments selected from a different video stream; a sequence of single programs is configured from the many content providers and assembled with unrelated alternative content segments selected from different video streams (sequential alternatives).

The presently claimed invention is further concerned with configuring (sequentially combining) these various alternative video programming segments into a complete linear programming experience. Alternative video programming segments (both sequential and simultaneous) may be substituted for one another. When alternative video programming segments are substituted for one another, in the program flow of an apparently linear program, the resulting program creates a customized viewing experience that is adaptively configured for each individual viewer. Selection of which particular ones of the alternative video programming segments are to be included in the program is determined by a multitude of different factors, but not least by analysis of particular viewing preferences of each individual user.

The result of this segmentation and substitution is the creation of an apparently linear video program, which is different for each individual viewer based upon each viewer's determined preferences. In short, and in the context of the presently claimed invention, one viewer might experience a more "raunchy" Seinfeld episode, by having more "explicit" alternative video programming segments incorporated into their program flow, while another viewer, with children, would experience an episode that was considerably more "family-

friendly", by having more "benign" alternative video programming segments incorporated into their program flow.

Additionally, a viewer having particular viewing preferences identified as "comedy oriented" would experience a sequence of "comedy" programs, with individual programs chosen from multiple broadcast streams, for example, and assembled into a sequential set of "comedy" programs. This is in contrast to merely adaptively showing a program with "PG" or "NC-17" scenes at the direction of the viewer.

Advertising and other inserts of video programming segments are also different for each user; resulting in a unique video program experience for each of a number of different viewers.

Independent Claim 1 has been amended to more clearly point out this particular feature of the presently claimed invention. Independent Claim 1 makes clear that a linear video program is constructed from a set of programming segments, received from at least two different simultaneous programming streams that have content unrelated to one another, and that create a linear programming experience when assembled. Segments of each of the streams are provided in alternative forms, such that a different segment, having different content, may be substituted into the video flow in accordance with the viewing, demographic, or other preferences of the viewer. Segments of each stream are chosen for assembly based on the viewing, demographic, or other preferences of the viewer and are assembled in such a manner as to provide an apparently linear programming experience without regard to a characteristic length of any one segment.

Hawkins, et al. is not understood to disclose or suggest any of the foregoing, and is particularly not understood to disclose or suggest subdividing video programs into discrete video programming segments, such that sequential display of the video programming segments results in an apparently linear video program. Nor does Hawkins, et al. disclose or suggest configuring the choice of video programming segments for each viewer, to create a customized and apparently linear program for linear delivery to each of the plurality of viewers in accordance with viewer characteristic information. Hawkins does not discuss selection and assembly of video programming segments, provided over two or more simultaneous video programming sources, into a logically consistent linear programming experience.

Specifically, Hawkins, et al. discusses a user interface that supports an electronic program guide (EPG) hosted as digital media objects and a transmission methodology for transmitting the same to a plurality of viewers. Additionally, the subject of the Hawkins, et al. reference utilizes a broadcast streaming approach for information delivery through a conventional television distribution network. Full motion video, still images, artwork, music, information and other data are provided to an end user as an information guide to all information sources available on a network in order to minimize bandwidth overhead issues that attend broadcast or cable systems.

In short, Hawkins, et al. discloses nothing more than a methodology for broadcasting a data stream of media objects that define a broadcast programming information program guide. The Hawkins, et al. reference says nothing about the content of the video programs for which the Hawkins, et al. programming guide is indicative. Each of the Hawkins, et al. objects are

internally fixed. None of the Hawkins, et al. objects is capable of segmentation and none of the Hawkins, et al. objects are assembled from segments into an apparently linear program. The Hawkins, et al. objects cannot be understood as being a program, in that the objects are static and have no time relevant flow.

The Hawkins, et al. reference, therefore, is not understood to disclose or suggest subdividing video programs into discrete video programming segments, such that sequential display of the video programming segments results in an apparently linear video program, nor configuring the choice of video programming segments for each viewer, to create a customized and apparently linear program for linear delivery to each of the plurality of viewers in accordance with viewer characteristic information. Hawkins does not discuss selection and assembly of video programming segments, provided over two or more simultaneous video programming sources, into a logically consistent linear programming experience. Indeed, the Hawkins, et al. reference says absolutely nothing about how programming is constructed or adaptively changed. Hawkins, et al. only describes a system and method by which electronic programming guide (EPG) information may be provided to multiple users without adversely affecting transmission bandwidth.

Abecassis does nothing to remedy the deficiencies of Hawkins as a reference. Abecassis refers to a system and method for viewing one of several potentially different versions of a particular program by indicating a specific notional rating level of, for example, violence, nudity, profanity, and bloodshed, acceptable for a specific viewer, and if available as found by scanning a video map, showing the chosen program with scenes having the specific notional rating level.

Abecassis' "content-on-demand" system just allows for viewing a particular program in a "PG" form, an "NC-17" form, or if the specific notional rating level of a scene is unavailable, allowing the user to skip over the scene entirely.

Abecassis does not disclose or suggest different, unrelated, video streams. In contrast, the Abecassis system is predicated on a single, specific, program. Abecassis does not disclose or suggest different sequential programs chosen from the different, unrelated, simultaneous video streams, where the sequence is chosen based on viewer characteristic target information. In contrast, the Abecassis system is predicated on adaptive viewing of a single, specific, program, without regard to what precedes or follows the program. Finally, Abecassis does not intersperse video segments from one stream with video segments from another, unrelated, stream. In contrast, the Abecassis system is predicated on having every alternative scene of the single, specific, program be not only related, but also "paginated".

Abecassis does not automatically assemble a programming experience for a viewer from multiple programming streams, based on a viewer's characteristic target information, comprising a sequence of alternative sets of "programs", the programs themselves segmented into alternative scenes interspersed with alternative sets of "unrelated content" (ads for example).

In view of the foregoing, Applicant respectfully submits that Independent Claim 1 contains patentable subject matter over any permissible combination of the Hawkins, et al. reference and the Abecassis reference. Further, the claims that depend from Independent Claim 1 partake of its novelty and are believed patentable on that basis.

Accordingly, Applicant respectfully requests a timely notice of allowance and early passage to issue of this case.

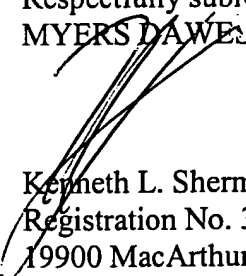
### CONCLUSION

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

Please direct all correspondence to **Myers, Dawes Andras & Sherman, LLP**, 19900 MacArthur Blvd., 11<sup>th</sup> Floor, Irvine, California 92612.

Please charge any additional fees to our Deposit Account No. 01-1960. An additional copy of this page is enclosed for that purpose.

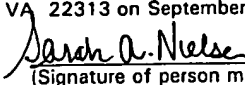
Respectfully submitted,  
**MYERS DAWES ANDRAS & SHERMAN, LLP**

  
Kenneth L. Sherman  
Registration No. 33,783  
19900 MacArthur Blvd., 11th Floor  
Irvine, California 92612  
Telephone: (949) 223-9600

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on September 29, 2005.

Sarah A. Nielsen  
(Type or print name of person mailing paper)

  
(Signature of person mailing paper)